

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

508M0392

## HOUSE ENGROSSED NO. **HB 1155** - 01/31/2006

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Hunhoff, Bradford, Cutler, Elliott, Faehn, Frost, Gassman, Glenski, Howie, Jerke, Kraus, Kroger, Lange, McCoy, McLaughlin, Miles, Novstrup, Rave, Roberts, Street, Thompson, Van Etten, and Weems and Senators Knudson, Adelstein, Hansen (Tom), Hundstad, Nesselhuf, and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to allow local units of government to regulate the sales,  
2 distribution, marketing, promotion, and use of tobacco products.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 7-18A be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any county, for the area outside of any municipal boundaries, may provide, by ordinance,  
7 for regulations relating to the use, distribution, marketing, promotion, and sale of tobacco  
8 products that are more restrictive than those provided for by the Legislature.

9 Section 2. That chapter 9-19 be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 Any municipality, for the area within its boundaries, may provide, by ordinance, for  
12 regulations relating to the use, distribution, marketing, promotion, and sale of tobacco products  
13 that are more restrictive than those provided for by the Legislature.



1       Section 3. That § 10-50-64 be amended to read as follows:

2       10-50-64. ~~The Legislature is the exclusive regulator of all matters relating to the use of~~  
3 ~~tobacco products.~~ Nothing prohibits a person or a public entity from voluntarily regulating the  
4 use of tobacco products on the person's or entity's property.

5       Section 4. That § 34-46-6 be amended to read as follows:

6       34-46-6. Enforcement of this chapter shall be implemented ~~in an equitable and uniform~~  
7 ~~manner throughout the state~~ so as to ensure the eligibility for and receipt of any federal funds  
8 or grants that the state now receives or may receive relating to the provisions of this chapter. ~~For~~  
9 ~~the purposes of equitable and uniform regulation and implementation, the Legislature through~~  
10 ~~this chapter is the exclusive regulator of all matters relating to the distribution, marketing,~~  
11 ~~promotion, and sale of tobacco products.~~